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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,965	12/27/2000	Marc W. Cantell	BU-99-022B	7066

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DELIO & PETERSON, LLC  
121 WHITNEY AVENUE  
NEW HAVEN, CT 06510

EXAMINER
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MOORE, KARLA A

ART UNIT	PAPER NUMBER
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1763

DATE MAILED: 01/21/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/748,965

Applicant(s)

CANTELL ET AL.

Examiner

Karla Moore

Art Unit

1763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 10 and 12-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10 and 12-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 10, 12-27 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,478,780 to Koerner et al. in view of U.S. Patent No. 5,043,299 to Chang et al.
3. Koerner et al. disclose an apparatus for forming a silicide on a surface of a silicon (column 4, row 59) semiconductor substrate, comprising: a plurality of interior chambers (Figure 1, 1-6; abstract) in which multiple method stages (including removing an oxide using a cleaning agent, depositing a metal layer, etching and heating) can be carried out at high vacuum without interruption (column 5, rows 1-10). The apparatus is adapted to heat a substrate to form a silicide on a surface of the substrate (column 3, rows 35-39).
4. With respect to claims 12 and 22, at least one interior chamber is adapted to remove said oxide from said surface of the substrate while under continuous vacuum (column 3, rows 6-7) and at least one interior chamber adapted to deposit a metal on said surface of the substrate while under a continuous vacuum (column 3, rows 35-36).
5. With respect to claim 13, at least one interior chamber is adapted to heat said substrate (column 5, rows 9-10).
6. With respect to claims 14 and 23, the apparatus is adapted to transfer said substrate between chambers without breaking vacuum conditions (column 5, rows 27-30).
7. With respect to claims 17 and 24, the deposition metal may be cobalt (column 3, rows 35-36).
8. With respect to claim 18, the interior chamber adapted to deposit said metal on said surface of said substrate is a vapor-sputtering device (column 3, rows 35-36).

Art Unit: 1763

9. With respect to claim 19, the apparatus is further adapted to transfer said substrate to said heating chamber from said metal deposition chamber (column 5, rows 27-30).

10. With respect to claim 20, the deposited silicide is cobalt silicide (column 3, rows 35-40).

11. However, while Koerner et al. do disclose that the interior chambers are equipped with the apparatus known to be needed for the respective processes (column 5, rows 11-15) they fail to disclose the specific structural details. Koerner et al. further fail to disclose the use of nitrogen trifluoride as a cleaning gas to remove silicon oxides.

12. Chang et al. disclose an apparatus for forming a film on a semiconductor substrate comprising: at least one workpiece holder (Figure 1, 16); at least one pump (90); at least one line operatively connected between said at least one pump and said chamber for evacuating said chamber (26,56); a least one input line adapted to provide a chemical agent into said chamber (22); at least one output line adapted to remove said cleaning agent (26); a heating element (15,45) in said chamber adapted to heat said substrate to an elevated temperature; and a reactor adapted to deposit a metal (50). The apparatus and process of Chang et al. are provided for the purpose of processing a wafer without exposing the cleaned wafer to conditions that would re-contaminate the cleaned wafer prior to deposition.

13. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to have equipped the chambers with the apparatus known to be needed for the respective processes in Koerner et al. in order process a wafer without exposing a cleaned wafer to contamination prior to deposition.

14. With respect to claims 16 and 25, Chang et al. further teach the use of nitrogen fluoride to as a cleaning gas for the purpose of removing silicon oxides from silicon surfaces (column 3, rows 16-20).

15. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to have provided nitrogen trifluoride as a cleaning gas in Koerner et al. in order to clean silicon surfaces as taught by Chang et al.

Art Unit: 1763

16. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koerner et al. and Chang et al. as applied to claims 10, 12-27 and 29 above, and further in view of Japanese Patent Publication No. 63-000480 A to Takebayashi et al.
17. Koerner et al. and Chang et al. disclose the invention substantially as claimed.
18. However, the prior art fails to teach a heating element external to the chamber.
19. Takebayashi et al. teach the use of a heater located outside a vacuum deposition chamber for the purpose of diminishing the time it takes to raise or lower temperatures of objects within the chamber (abstract and use).
20. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to have provided a heating element external to the chamber in the prior art in order to diminish the time it takes to raise or lower temperatures within the vacuum chamber as taught by Takebayashi et al.

#### ***Response to Arguments***

1. Applicant's arguments filed 10/25/02 have been fully considered but they are not persuasive.
2. With respect to claims 10 and 12-20, Applicant argues that the claimed invention differs from the prior art applied in that the claimed invention is for selectively forming a silicide. Examiner regards this as an intended use of the apparatus which does not structurally distinguish the claimed invention from the prior art. Nor does the inclusion of the item worked upon (the semiconductor substrate) by the apparatus distinguish the claimed invention from the prior art.
3. The courts have ruled that a claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ 2d 1647 (Bd. Pat. App. & Inter. 1987).
4. The courts have also ruled that inclusion of material or an article worked upon by a structure being claimed does not impart patentability to the claims. *In re Young*, 75 F. 2d 966, 25 USPQ 69 (CCPA 1935) (as restated in *In re Otto*, 312 F. 2d 937, 136 USPQ 458, 459 (CCPA 1963)).

Art Unit: 1763

5. With respect to new independent claims 21 and 30, which are directed to "a system" and "an apparatus in combination with a semiconductor substrate", Examiner has interpreted these claims as apparatus claims, recitations to the "selective formation method" as an intended use and the "semiconductor substrate" as the item worked upon. 35 U.S.C. 101 which is stated below does not provide for the combination claims as recited in the instant application. Thus, the claims are rejected like independent claim 10, which includes similar limitations.

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

#### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karla Moore whose telephone number is 703.305.3142. The examiner can normally be reached on Monday-Friday, 8:30am-5:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Mills can be reached on 703.308.1633. The fax phone numbers for the organization where this

Art Unit: 1763

application or proceeding is assigned are 703.872.9310 for regular communications and 703.872.9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.0661.

km  
January 13, 2003

  
GREGORY MILLS  
SUPERIOR PATENT EXAMINER  
TELEPHONE CENTER 1100